



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,260	12/02/2003	Herbert Meyerle	S118.12-0003	3376
27367	7590	12/28/2005		
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,260	Applicant(s) MEYERLE, HERBERT	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>10/17/05</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|--|---|

DETAILED ACTION

Election/Restrictions

Claims 12-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 12, 2005.

Claim Objections

Claim 1 is objected to because of the following informalities: line 13 recites the limitation "the locking body cylinder" where the examiner believes this limitation should be -- the locking cylinder body--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,712,398 to Clarkson et al.

Clarkson et al. disclose a lock for a door having a locking cylinder body (50), a knob (column 1, lines 11-21) for the outside of the door to be locked, a deactivation member (70)

Art Unit: 3676

which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated, and an access control means (100) in the locking cylinder body which in response to an authorized transponder signal (via 45 and 59) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (the cylinder electronics) and mechanical (72) elements is entirely located within the locking cylinder body, as in claim 1.

Clarkson et al. also disclose the lock body is adapted and sized to be introduced into a door (column 1, lines 11-21), as in claim 2, and where the deactivation member is adapted to deactivate the knob such that idle movement of the knob is possible or blocked (column 4, line 64-column 5, lines 8), as in claims 3 and 4, as well as the access control means has means for exchanging a wireless signal with a transponder a verification means for verifying whether or not the transponder is authorized (column 4, line 51-column 5, line 8) and, as in claim 5, further comprising a battery (68) energizing the access control means upon response of a request signal from a transponder, as in claim 6.

Clarkson et al. further disclose the access control means comprises a ferrite bar antenna (59) which is also located within the cylindrical lock body (figure 1), as in claim 7, as well as the access control means is adapted to communicate with a transponder (45) by means of an alternating magnetic field, as in claim 8, and protection means (90) for protecting against drilling or tampering with the lock, as in claim 9.

Art Unit: 3676

Clarkson et al. also disclose a lock for a door having a locking cylinder body (50), a knob (column 1, lines 11-21) for the outside of the door to be locked, a deactivation member (70) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated, and an access control means (100) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (the cylinder electronics) and mechanical (72) elements is entirely located within the locking cylinder body (figure 1), and a transponder (30) having means for exchanging a wireless data signal (45 and 59) with the access control means of the lock, as in claim 14.

Clarkson et al. further disclose a method for securing a lock for a door by providing a lock body being of generally cylindrical shape and being able to be introduced into a door (column 1, lines 11-21), providing a knob for the outside of the door to be locked, the knob being able to be actuated from the outside of the door in order to open the door from the outside, providing a deactivation member (72) which is able to deactivate the knob so that it cannot be actuated in order to open the door from the outside, providing an access control means (100) which in response to a signal of an authorized transponder (30) permits opening of the door by making it possible for the user to actuate the knob from the outside of the door in order to open it and providing the access control means entirely within the cylindrical lock body (figure 1), the access control means comprising electronic (cylinder control electronics) and mechanical elements (72), as in claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarkson et al., as applied above, in view of U.S. Patent Number 5,447,047 to Lin.

Clarkson et al. discloses the invention substantially as claimed. Clarkson et al. discloses an engagement means (69) on the distal end of the lock cylinder. However, Clarkson et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), as in claim 10, wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational

Art Unit: 3676

movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, as in claim 11, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. It would have been obvious to one with ordinary skill in the art at the time the invention was made to replace the drive mechanism of Clarkson et al. with the engagement means, as taught by Lin in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Response to Arguments

Applicant's arguments with respect to claims 1-11 and 14-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to locking cylinders with internal access control means:

U.S. Patent Number 6,442,986 to Russell et al., U.S. Patent Number 5,437,174 to Aydin.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3676

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

CJB *CB*
December 19, 2005